

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LARRY STEVEN LOPEZ,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 1:21-cv-360-DAD-HBK

ORDER GRANTING PLAINTIFF'S
STIPULATED MOTION FOR ATTORNEY'S
FEES AND COSTS UNDER THE EQUAL
ACCESS TO JUSTICE ACT

(Doc. No. 17)

RESCINDING UNAUTHORIZED ORDER¹

(Doc. No. 14)

Pending before the Court is Plaintiff's stipulated motion for attorney's fees filed September 28, 2021. (Doc. No. 17). Plaintiff seeks attorney's fees in the amount of \$448.85 under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. (*Id.*).

On September 27, 2021, the district court granted the parties' Stipulation for Voluntary Remand pursuant to Sentence Four of 42 U.S.C. § 405(g) and reversed and remanded the case to the Commissioner for further administrative proceedings. (Doc. No. 15). The Clerk entered

¹ The undersigned rescinds her unauthorized September 24, 2021 order (Doc. No. 14) approving the parties' stipulated remand as the parties had not consented to the undersigned. 28 U.S.C. § 636(c)(1). On September 27, 2021 the district court entered an order giving effect to the parties' stipulation for which judgment was entered. (Doc. Nos. 14, 15).

1 judgment in favor of Plaintiff on that same day. (Doc. No. 16). Accordingly, as the prevailing
2 party, Plaintiff now requests an award of fees. *See* 28 U.S.C. § 2412(a) & (d)(1)(A); Fed. R. Civ.
3 P. 54(d)(1); *see* 28 U.S.C. § 1920; *cf. Shalala v. Schaefer*, 509 U.S. 292, 300-02 (1993)
4 (concluding that a party who wins a sentence-four remand order under 42 U.S.C. § 405(g) is a
5 prevailing party).

6 The Commissioner does not oppose the requested relief. (*See* Doc. No. 17 at 1). After
7 issuance of an order awarding EAJA fees and costs, however, the United States Department of the
8 Treasury will determine whether Plaintiff owes a debt to the government. If Plaintiff has no
9 discernable federal debt, the government will accept Plaintiff's assignment of EAJA fees and pay
10 the fees directly to Plaintiff's counsel.

11 Accordingly, it is **ORDERED**:

12 1. Plaintiff's stipulated motion for attorney's fees (Doc. No. 17) is **GRANTED**.
13 2. Plaintiff is awarded fees in the amount of \$448.85 (four hundred forty-eight dollars and
14 eighty-five cents). Unless the Department of Treasury determines that Plaintiff owes a federal
15 debt, the government must pay the fees to Plaintiff's counsel in accordance with Plaintiff's
16 assignment of fees and subject to the terms of the stipulated motion.

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18 Dated: September 30, 2021


19 HELENA M. BARCH-KUCHTA
20 UNITED STATES MAGISTRATE JUDGE
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